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June 11, 2003

Mr. Thomas Skinner
Administrator, Region 5
United States Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Dear Mr. Skinner:

I write regarding the EDS Hazardous Waste Deep Injection Well proposal in Romulus, Michigan. As you know, this project involves the potential deep well injection of hazardous waste into an aquifer underlying my district. The possible impact of this project on public health and the environment in Michigan is of serious concern to me and to the citizens that I represent. Based on the situation, as I understand it, permitting of the EDS injection well would not appear to be consistent with existing legal requirements under the Resource Conservation and Recovery Act (RCRA). I am writing to ask that you 1) confirm my understanding of the situation and 2) advise me of the status of EDS's application for hazardous waste disposal, in particular, whether it is any longer possible for them to obtain approval for their project consistent with applicable law. If it is, I would request that you advise me and the citizens of Michigan of that fact by no later than July 10.

As you know, Sun Pipeline has received all necessary permits to begin construction and operation of their brine disposal and recovery well from both the EPA and most recently, the Michigan Department of Environmental Quality. That project would extract brine from the same zone into which EDS proposes to inject. As a result, the Sun Pipeline would appear to make it impossible for EDS to meet the applicable "no migration" standard of RCRA, since the removal of brine from the aquifer by Sun could potentially cause the waste injected by EDS to migrate from its disposal location, thereby violating the RCRA "land ban."

I understand that on October 4, 2001, at a small gathering with local officials of Taylor and Romulus and again, at a larger public meeting you indicated that the EDS Hazardous Waste Deep Injection Well and the Sun Oil Mineral Wells are legally and physically incompatible. According to my information, Ms. Jo Lynn Traub, EPA Region 5 Director of Water, went to far as to say that if Sun were operating their extraction wells, EDS would be told to "cease their operations and to close their well."

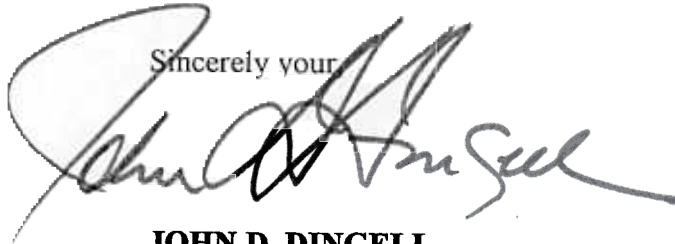
Federal UIC regulations at 40 CFR Part 148.20(a) clearly establishes the "no migration" standard. It states in part, "Any person seeking an exemption...for the injection of a restricted hazardous waste into an injection well or wells shall submit a petition to the Director that...there will be no migration of hazardous constituents from the injection zone". Given the fact that Sun is now permitted to begin extracting from the same zone into which EDS proposes to inject, it would appear that EDS would be unable to meet the no migration standard.

I understand that EDS's recent application to the Ingham County Circuit Court for an injunction in its favor was denied, thereby apparently confirming that EDS does not have a right, as a matter of law or equity, to operate the waste injection well.

The most important issue in the debate over the merits of the EDS proposal is public safety. The public opinion runs in strong opposition to the EDS proposal and the people of Romulus and Taylor are profoundly concerned at the prospect of having their backyard used to store hazardous waste. Throughout this process, the public has not been reassured that the proposed EDS operation poses no threats to public safety or the environment. As their elected representative, it is my responsibility to ensure that any disposal activities, particularly of hazardous waste, take place consistent with federal law and with fundamental principles of sound environmental policy. I trust that you share that view and that it will guide your future decisions as to appropriate action in this important matter.

With every good wish

Sincerely yours,

A handwritten signature in dark ink, appearing to read "John D. Dingell", written over a light gray circular background.

JOHN D. DINGELL
Member of Congress